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REMARKS

Applicant thanks the Examiner for the remarks and analysis contained in the Non-Final Office Action mailed on July 24, 2006. Claims 1, 6, 11, 14, 16, 18, 19 and 20 have been amended. Claim 15 has been cancelled. New claims 22-25 have been added. Applicant respectfully requests reconsideration of this application.

The Examiner rejected claim 19 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,027,321 to *Shim, et al.* Applicant disagrees with the basis for this rejection. Claim 19 requires the step of "disposing a valve in a valve chamber of a non-orbiting scroll." *Shim, et al.* fails to disclose this limitation. The check valve 10 of *Shim, et al.* is disposed within a pressure partition 60 of the scroll device. The pressure partition 60 is a separate piece from the non-orbiting scroll plate 30 and is located adjacent thereto (See Figures 5A and 5B). Therefore, claim 19 is allowable over the *Shim, et al.* reference.

The Examiner also rejected claims 1-5, 7-13, 15-19 and 21 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,749,412 to *Narasipura, et al.* Amended claims 1 and 19 each require the feature of a snap fit connector that is flexible "in response to contacting a valve chamber rim of said valve chamber." The arrangement of *Narasipura, et al.* fails to disclose this feature. Specifically, the valve retainer 300 shown in Figure 3 does not flex in response to contacting the valve seat 107. In addition, the valve retainer 602 disclosed in Figure 7 of *Narasipura, et al.* does not flex between a disengaged position and an engaged position. Rather, a flange 604 of the check valve retainer 602 is disposed outside the cavity 104 without flexing and must be crimped or rolled into a groove 600 to affix the check valve retainer 602 thereto (See Column 4, lines

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8 through 20). Therefore, claims 1 and 19, and all those claims depending therefrom, are allowable over the *Narasipura, et al.* reference.

Amended claim 11 requires a body of a valve retainer "having at least one leg extending from said body toward said valve chamber bottom and at least partially contacting said valve chamber bottom." The *Narasipura, et al.* reference fails to disclose these features. The valve retainers 300, 602 of the configurations disclosed by *Narasipura, et al.* in Figures 3 and 7 show the valve retainer extending only to a midpoint of the discharge cavity 104. The check valve disk 106 is disposed in the bottom of the cavity 104. Therefore, the valve retainer clearly does not contact any portion of the check valve disk 106.

New claim 22 requires the features of "a plurality of legs disposed circumferentially about said valve retainer." New claim 23 requires a discharge opening between each of the plurality of legs and a rim of the valve chamber. New claim 24 requires that the valve retainer include "at least one relief." New claim 25 requires that the valve retainer includes "ribs." None of these features are disclosed or suggested by the prior art cited by the Examiner. Therefore, each of these claims is allowable.

The subject matter of claims 6, 14 and 20 have been rewritten into independent form including all of the limitations of the base claims and any intervening claims. Therefore, these claims are in condition for allowance.

Accordingly, claims 1-25 are in condition for allowance.

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Applicant believes additional fees in the amount of \$800 are necessary. The Commissioner is authorized to charge deposit account no. 50-1482 in the name of Carlson, Gaskey & Olds for any additional fees or to credit the account for overpayment.

Respectfully submitted,

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Dated: October 24, 2006

CERTIFICATE OF FACSIMILE

I hereby certify that this Amendment relative to Application Serial No. 10/827,411 is being facsimile transmitted to the Patent and Trademark Office (Fax No. (571) 273-8300) on October 24, 2006.


Theresa M. Palmateer

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